

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

**TANIA S. KELLERMEYER, M.D.**

Holder of License No. **26360**  
For the Practice of Allopathic Medicine  
In the State of Arizona.

**Case No. MD-09-0258A**

**CONSENT AGREEMENT FOR  
PRACTICE LIMITATION**

**(NON-DISCIPLINARY)**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Executive Director of the Arizona Medical Board ("Board") and Tania S. Kellermeier, M.D. ("Physician") the parties agree to the following disposition of this matter.

1. Physician has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Physician acknowledges that she understands she has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Physician understands that by entering into this Consent Agreement she voluntarily relinquishes any rights to a hearing or judicial review in state or federal court, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until signed by the Board.

4. All admissions made by Physician are solely for disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Physician. Therefore, said admissions by Physician are not intended or made for any other use, such as in the context of another state or federal government regulatory agency

1 proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or  
2 federal court.

3 5. Upon signing this Consent Agreement and returning this document (or a  
4 copy thereof) to the Board, Physician may not revoke acceptance of the Consent  
5 Agreement. Physician may not make any modifications to the Consent Agreement. Any  
6 modifications to this Consent Agreement are ineffective and void unless mutually  
7 approved by the parties.

8 6. This Consent Agreement, once approved and signed, is a public record that  
9 may be publicly disseminated as a formal **non-disciplinary** action of the Board.

10 7. If any part of the Consent Agreement is later declared void or otherwise  
11 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
12 force and effect.

13 8. This is a final decision by the Board regarding the investigative file on case  
14 MD-09-0258.

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16 TANIA S. KELLERMEYER, M.D.

Dated: 8-26-09

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**FINDINGS OF FACT**

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
2. Physician is the holder of License No. 26360 for the practice of allopathic medicine in the State of Arizona.
3. Physician has recognized that she has a medical condition that may limit her ability to safely engage in the practice of medicine.
4. Because Physician has a medical condition that may limit her ability to safely engage in the practice of medicine, the Executive Director has determined that a consent agreement is needed to mitigate imminent danger to the public health and safety.
5. There has been no finding of unprofessional conduct against Physician.

**CONCLUSIONS OF LAW**

1. The Board possesses jurisdiction over the subject matter hereof and over Physician.
2. The Executive Director has authority to enter into this consent agreement to limit the physician's practice based upon evidence that he is unable to safely engage in the practice of medicine. A.R.S. § 32-1405(C)(25); A.A.C. R4-16-509.

**ORDER**

IT IS HEREBY ORDERED THAT:

1. Physician shall not return to operating room Anesthesia for a minimum of six months and her practice is limited to an outpatient Anesthesia setting only. In Order to return to the full practice of Anesthesia, Physician shall undergo an evaluation at a Board approved evaluation facility to determine her ability to safely return to the full practice of Anesthesia. The Board may require any combination of staff approved assessments, evaluations, treatments, examinations or interviews it finds necessary to assist in

1 determining whether Physician is able to safely resume such practice.

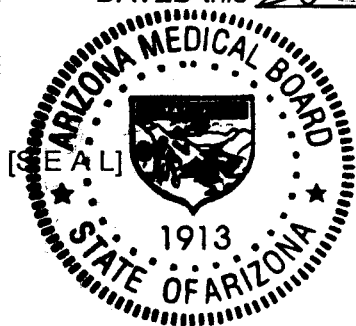
2 2. Upon physician's return to practice, she shall work for no more than 20 hours  
3 per week for the first 2 months, no more than 30 hours per week for months 3 and 4, , and  
4 then may go to 40 hours per week as of the fifth month.

5 3. Physician shall practice in a group setting. For the purposes of this  
6 Consent Agreement "group practice" means that physician is in practice with other  
7 physicians. Physician shall immediately submit the name of her group practice  
8 supervising physician to Board Staff for approval. Physician shall arrange for the Board  
9 approved supervising physician to submit quarterly reports to the Board regarding  
10 Physician's compliance with the terms of this Consent Agreement, her work  
11 performance, ability to safely practice medicine, and other such information as deemed  
12 necessary by Board Staff. The reports shall be submitted on or before the 15<sup>th</sup> of March,  
13 June, September and December of each year, beginning on or before December 15,  
14 2009.

15 2. The Board retains jurisdiction and may initiate a separate disciplinary  
16 action based on the facts and circumstances that form the basis for this practice  
17 limitation or any violation of this Consent Agreement.

18 DATED this 28<sup>th</sup> day of August, 2009.

19 ARIZONA MEDICAL BOARD



25 By *Lisa S. Wynn*  
Lisa S. Wynn  
Executive Director

ORIGINAL of the foregoing filed this  
28<sup>th</sup> day of August, 2009, with:

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**ORIGINAL** of the foregoing filed this  
28<sup>th</sup> day of August, 2009, with:

Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

**EXECUTED COPY** of the foregoing  
Faxed (602-254-8989) this 28<sup>th</sup> day of August 2009 to:

Gary A. Fadell  
Fadell Cheney Burt  
1601 North Seventh Street, suite 400  
Phoenix, Arizona 85006

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Arizona Medical Board Staff